

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

MAR - 6 2013

JAMES N. HATTEN, Clerk

DEMETRIUS NICKENS

PLAINTIFF

Vs.

EQUIFAX INFORMATION SERVICES  
LLC, ET AL

DEFENDANT

Civil 1-13-CV-0333

\* \* \* \* \*

**RESPONSE TO EQUIFAX'S MOTION FOR  
PARTIAL DISMISSAL OF PLAINTIFF'S COMPLAINT.**

NOW COMES, Demetrius Nickens, Plaintiff in *Sui Juris*, and files his response to Equifax's Motion for Partial Dismissal. For reasons state:

1. Simultaneously with the filing of this response, Plaintiff has filed a Motion for Leave to File Amended Complaint.
2. In his amended Complaint, Plaintiff has removed its claims for negligence, attorneys fees and under the FBPA, without prejudice.
3. Equifax's Motion for Partial Dismissal is now moot.

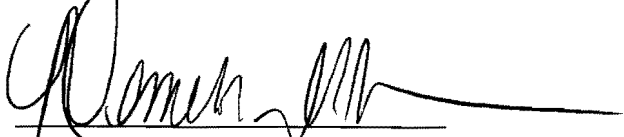
**CONCLUSION**

Wherefore, Plaintiff prays that this Court deny Equifax's Motion for Partial Dismissal as Moot.

### **CERTIFICATE OF COMPLIANCE**

Pursuant to Local R. 7 .1(D), this is to certify that the foregoing complies with the font and point setting approved by the Court in Local R. 5 .1(B). The foregoing COMPLAINT was prepared on a computer, using Times New Roman 14 point font.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Demetrius Nickens', written over a horizontal line.

**DEMETRIUS NICKENS  
AS HIS OWN ATTORNEY  
SUI JURIS**

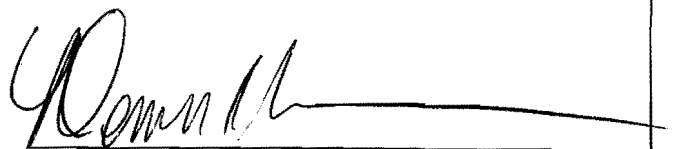
PO Box 931292  
Norcross, Georgia 30003  
404-952-7230  
PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that I mailed foregoing Response to Defendant's Equifax Motion to Dismiss the Clerk of Court on March 3<sup>rd</sup>, 2013. The CM/ECF system will automatically send email notification of such filing to the following attorneys of record:

**Barry Goheen, Esquire**  
KING & SPALDING  
1180 Peachtree Street, N.E.  
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*Via Courts Electronic Noticing Service*  
**Counsel for Defendant Equifax**

**Alan D. Leeth, Esquire**  
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171 17th Street, NW  
Suite 1100  
Atlanta, GA 30363  
*Via Courts Electronic Noticing Service*  
**Counsel for Defendant HSBC**

A handwritten signature in black ink, appearing to read 'Demetrius Nickens', is written over a horizontal line.

DEMETRIUS NICKENS  
PLAINTIFF  
*Sui Juris*

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\* \* \* \* \*

**ORDER DENYING DEFENDANT'S EQUIFAX  
MOTION FOR PARTIAL DISMISSAL**

**UPON CONSIDERATION OF EQUIFAX'S**, Motion for Partial Dismissal of Plaintiff's Complaint, it appearing that Plaintiff's Second Amended Complaint, having addressed the issues raised in the Motion, it is hereby this day ordered, That the Motion to Dismiss be denied as moot.

It is ordered this \_\_\_\_ day of \_\_\_\_\_, 2013

Judge \_\_\_\_\_